

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Mar 29, 2023

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

BRIAN KEITH HOLLENBECK,
Plaintiff,

v.

JACK ROSENTHAL and MARIE FRITZ
ROSENTHAL,
Defendants.

No: 2:22-cv-00281-SAB

ORDER DISMISSING ACTION

By Order filed February 21, 2023, the Court advised Plaintiff Brian Keith Hollenbeck of the deficiencies with his First Amended Complaint (“FAC”) and directed him to amend or voluntarily dismiss within thirty (30) days. ECF No. 8. Plaintiff, who is not currently incarcerated, is proceeding *pro se* and has paid the filing fee for this action. Defendants have not been served.

The Court cautioned Plaintiff that if he failed to comply with the directives in the Order, the Court would dismiss his FAC seeking accountability for a lack of communication regarding the death of his stepfather. ECF No. 6 at 4, 9; ECF No. 8 at 4–6. As of the date of this Order, Plaintiff has not filed an amended complaint.

Specifically, Plaintiff’s FAC does not comply with Rule 8(a) of the Federal Rules of Civil Procedure, which requires that a complaint must contain “a short

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1 and plain statement of the claim showing that the pleader is entitled to relief[.]”
2 Fed. R. Civ. P. 8(a)(2). Moreover, Plaintiff’s allegation that there was no
3 communication about the death of his stepfather does not state a claim for relief
4 that is plausible on its face even if he had provided factual content. Plaintiff also
5 failed to assert any allegations against Defendants to explain how they purportedly
violated his constitutional rights.

6 Plaintiff did not comply with the Court’s Order and has filed nothing further
7 in this action. Therefore, for the reasons set forth above and in the Court’s prior
Order, ECF No 8.

8 Accordingly, **IT IS HEARBY ORDERED:**

9 **1. The First Amended Complaint, ECF No. 6, is DISMISSED without**
10 **prejudice** for failure to state a claim upon which relief may be granted
under 28 U.S.C. § 1915A(b)(1).

11 **2. This case is DISMISSED and CLOSED.**

12 **IT IS SO ORDERED.** The Clerk of Court is **DIRECTED** to enter this
13 Order, enter judgment, provide copies to Plaintiff, and **CLOSE** the file.

DATED March 29, 2023.



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18 Stanley A. Bastian
19 Chief United States District Judge
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